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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/067,028 | 02/04/2002 | Manish Mangal | 1802 | 4999 |
| 28005 | 7590 | 12/14/2004 | EXAMINER | |
| SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100 | | | GESESSE, TILAHUN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2684 | |

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,028

Applicant(s)

MANGAL ET AL.

Examiner

Tilahun B Gesesse

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2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/24/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dorenbosch et al" Dorenbosch" (US 2202/0173308).

Claims 14, 6, Dorenbosch discloses a communication system (figure 1) in which a first station initiates (MS 12) communication with at least a second station (buddy 1, buddy 2, and buddy 3) and provides an initial real time media signal for transmission to the second station (figure 9 and page 4 para 0038-0043). Dorenbosch discloses buffering the initial real time media signal until a transmission path exists to send the initial real time media signal along its way toward the second station (page 2 para 0020-0021). Dorenbosch discloses sending the initial real time media signal along its way toward the second station (page 3, 0031 and figure 7).

Claims 2,3 Dorenbosch discloses the first station sends the real-time media signal (90 and 124) to an intermediate entity (IM proxy 24) and the intermediate entity (24) sends the real time media signal along its way toward the second station (buddies 1,2 and 3) (figures 7-9). Dorenbosch discloses buffering the initial real time media signal until a transmission path exists to send the initial real time media along its way to second station through the immediate entity (page 3, line 0032-0036). Dorenbosch discloses sending the initial real time media signal along its way toward the second station via intermediate entity (figure 9 and page 4 para 0038-0043).

Claims 3,5, Dorenbosch discloses the intermediate entity (IM proxy 24), a communication server (IM message server 20) that establishes respective RTP leg with the first station and the second station and bridges the RTP legs together (column 4 para 0036-0043) and buffering the initial real time media signal in the first station until a transmission path exists to send the initial real time media signal from the first station to the intermediate entry and buffering the initial real time media signal in the first station until an RTP leg has been established between the first station and the communication server (page 2 para 0020-0021 and figures 2-3).

Claims 8-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Maggenti et al "Maggenti" (US 2002/0058522).

Claims 8-10, Maggenti discloses a method of initiating a push-to-talk (PTT) communication session between an initiating mobile station (352) and at least one terminating mobile station (figures 11-14), the initiating mobile station

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receiving and buffering an initiating user's speech signal the initiating mobile station working to set up an initiating communication leg with a PTT server((page 16, para 0219 and 0221), and responsive to establishment of the initiating communication leg with the PTT server (18), the initiating mobile station sending initiating user's speech signal along to the PTT server for transmission in to the at least one terminating mobile station (figures 11-14).

Claim 11, Maggenti discloses a real-time media signal selected from the group consisting of voice and video (page 2 para 0034).

Claim 12, Maggenti discloses a method of reducing call setup latency in a push-to-talk (PTT) communication system (abstract), an initiating mobile station (352) receiving a user's instruction to initiate a PTT session (354-380) (figures 11 and 12), and the initiating mobile station (352) then receiving and buffering a speech signal provided by the user (page 16, para 0219 and 0221), the initiating mobile station (352) sending a SIP INVITE to a PTT server (236) in an effort to set up an initiating RTP leg between the initiating mobile station and the PTT server (figures 11 –14 and their disclosure) responsive to establishment of the initiating RTP leg between the initiating mobile station and the PTT server, the initiating mobile station sending the speech signal to the PTT server for transmission in turn to at least one terminating mobile station ((figures 11 –14 and their disclosure).

Claim 13, Maggenti discloses switching the at least one terminating mobile station from operation at a first paging frequency to operation at a second paging

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frequency higher than the first paging frequency, so as to more quickly establish a radio link with the at least one terminating mobile station (page para 0043).

Claim 14, Maggenti discloses a method of reducing call setup latency in a push-to-talk (PTT) communication system, a PTT server receiving and buffering an initiating user's speech signal; the PTT server working to establish a transmission path to send the user's speech signal along to a terminating mobile station', responsive to establishment of the transmission path, the PTT server sending the user's speech signal along to the terminating mobile station.

Claim 15, switching the at least one terminating mobile station from operation at a first paging frequency to operation at a second paging frequency higher than the first paging frequency, (page 3 para 0043)

Claims 16-17, Maggenti discloses a communication station (figure 1) a processor (18 of figure 1) data storage (band 32) machine language instructions stored in the data storage and executable by the processor to carry out functions (page 2 para 0038-0041) receiving a user's instruction to invoke a real-time media communication session with another user (page 2 para 0038-0041) receiving a real-time media signal from the user, and buffering the real-time media signal until a transmission path exists to send the real-time media signal along its way toward the other user (figure 15) responsive to establishment of the transmission path, sending the real-time media signal along its way toward the other user (figures 11-14 and their disclosure).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch in view of Maggenti.

Claim 7, Dorenbosch discloses teach video. However, Maggenti, in similar field of endeavor, teaches a real time media signal selected from the group consisting of voice and video (page 2 para 0034). It would have been obvious to a person of ordinary skill in the art at the time of invention to signal real time session selected from voice and video, as taught by Maggenti, since, video communication is more attractive and documentary than voice.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Matis discloses a real time session a user consults presence list display (410) and PTT device (figure 4).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 22, 2004


TILAHUN GESESSE
PATENT EXAMINER